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Docket No.: V9661.0041

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Chi-Ming Che

Application No.: 10/663,894

Confirmation No.: 4526

Filed: September 16, 2003

Art Unit: 1614

For: METHODS FOR USING GOLD (III)  
COMPLEXES AS ANTI-TUMOR AND ANTI-  
HIV AGENTS

Examiner: S. V. Gienbeh

**RESPONSE TO RESTRICTION REQUIREMENT**

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window, Mail Stop Amendment  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Dear Sir:

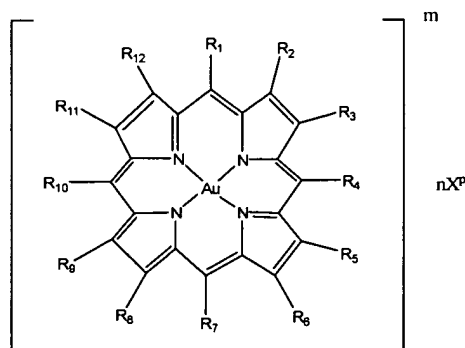
In response to the restriction requirement set forth in the Office Action mailed January 25, 2006 (Paper No. 20060117), Applicant hereby elects Group I (claims 1-13, 25-37, 55, 58 and 59) for continued examination.

The undersigned wishes to express his appreciation to the Examiner for the telephone interview initiated by the undersigned on February 2, 2006, for the clarification of the Restriction Requirement. The content of the interview is summarized below.

The Examiner has required restriction to one of the following Groups:

Group I (Claims 1-13, 25-37, 55 and 58-59): Directed to a method of induction of apoptosis of cancer cells comprising administering a pharmaceutical

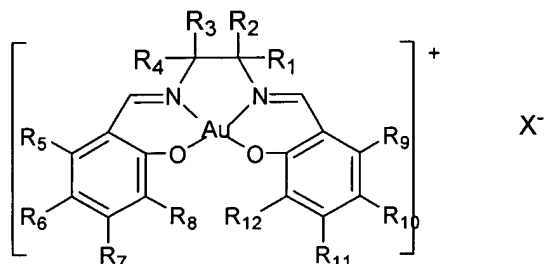
composition of  
subclass 185.



, classified in class 514,

Group II (Claims 14-18, 38-42, 56, 60 and 61): Directed to a method of induction of apoptosis of cancer cells comprising administering a pharmaceutical

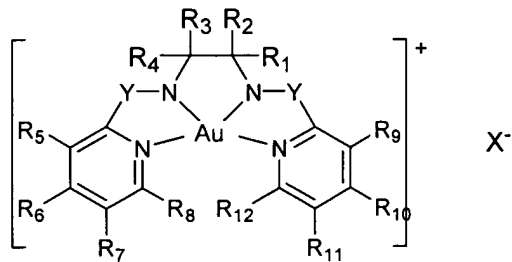
composition of  
81.



, classified in class 514, subclass

Group III (Claims 19-24, 43-48, 57, 62 and 63): Directed to a method of induction of apoptosis of cancer cells comprising administering a pharmaceutical

composition of  
185.



, classified in class 514, subclass

Group IV (Claims 49 and 50): Directed to a pharmaceutical composition, classified in class 514, subclass 185.

Group V (Claims 51 and 52): Directed to a pharmaceutical composition classified in class 5114, subclass 81.

Group VI (Claims 53 and 54): Directed to a pharmaceutical composition classified in class 514, subclass 185.

During the interview, the undersigned pointed out that the paragraph starting with "Inventions of I-III and IV-VI" at page 3 through the paragraph starting with "The examiner has required" at page 4 of the Office Action, do not apply to the present claims as the paragraphs discuss restriction "between the processes", in particular, between "process of making and process of using the product," while the current claims are directed to a product (a pharmaceutical composition or a complex) and a method of using the product. The Examiner acknowledged this error and instructed the undersigned to disregard this section of the Office Action.

The Examiner further confirmed that if Applicants were to elect methods of use claims and these claims are subsequently found allowable, withdrawn product claims that depend from or otherwise include all the limitations of the allowable methods of use claims, or vice versa, would be rejoined and entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier.

Accordingly, Applicants have elected Group I (Claims 1-13, 25-37, 55, 58 and 59) for the prosecution. Applicants understand that if the claims of Group I are later found allowable, the composition claims of Group IV (claims 49 and 50) would be rejoined and entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier.

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The Office Action further requires that Applicants define each of  $R^1$ ,  $R^2$ ,  $R^3$  and  $n$  and any additional variables as required for a particular species.

Applicants further elects compound (1a), described at page 24 of the present specification, in which  $R_1$ ,  $R_4$ ,  $R_7$  and  $R_{10}$  are each -phenyl;  $R_2$ ,  $R_3$ ,  $R_5$ ,  $R_6$ ,  $R_8$ ,  $R_9$ ,  $R_{11}$  and  $R_{12}$  are each -H;  $X_p$  is Cl-;  $m$  is 1; and  $n$  is 1.

Examination of the present application based on the above-indicated elections is respectfully requested.

Dated: February 17, 2006

Respectfully submitted,

By   
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